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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D21A/1025**

**Appeal** by Concerned Residents of numbers 36, 37 and 38 Finsbury Park care of Armstrong Planning Limited of 12 Clarinda Park North, Dún Laoghaire, County Dublin against the decision made on the 21<sup>st</sup> day of January, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Martin and Eithne Moran care of Delahunty and Harley Architects of 122 Merrion Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of an existing carport and utility (32 square metres); local reductions in ground level; construction of new two-storey two bed detached house (area: 119 square metres) adjacent to the existing house; alterations to the existing house; alterations to front boundary to form separate vehicular access to both houses; subdivision of front and rear gardens; construction of new garden wall to side of new house and new side boundary walls to front and rear; and all ancillary site works, at 39 Finsbury Park, Churchtown, Dublin.

## Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the planning history of the site, to the design, nature and scale of the proposed infill development, to the location of the proposed development within an area with an Objective A zoning which seeks “to protect and/or improve residential amenity”, and to the relevant policy provisions in relation to new infill development and the densification of existing suburbs as set out in the Dún Laoghaire-Rathdown County Development Plan 2022, the Board was satisfied that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not seriously injure the residential or visual amenities of the area, and would provide a satisfactory level of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documentation on the file, including the assessment by the planning authority, and was satisfied that the proposed contemporary dwelling which includes a single-storey element along the rear boundary was an appropriate design response for an infill dwelling. Furthermore, the Board considered that the private open space provided to the rear and to the side of the proposed dwelling was satisfactory in terms of

its quantum, its orientation and the privacy afforded it behind the front boundary wall and concluded that the proposed development did not represent overdevelopment of the site and would provide a satisfactory level of residential amenity for further occupants.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, and the drainage arrangements for the green/sedum roof, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

5. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall ensure that the width of the proposed new vehicular entrance shall be a maximum of 3.5 metres in width.

**Reason:** In the interest of pedestrian safety.

6. If the existing tree/s in the grass verge in front of the proposed new vehicular entrance are affected, they shall be replaced at the developer's expense with new tree/s at a location to be agreed with the Parks Section and all to the satisfaction of the planning authority. With regard to the new replacement tree/s, the developer shall contact the Parks Section of the planning authority to ascertain the required specifications for such works and any required permits

**Reason:** In the interest of traffic safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. The in-curtilage car parking space serving the dwelling shall be provided with an electric connection to the exterior of the house to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *3<sup>rd</sup>* day of *June* 2022.